

BEFORE THE

ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION       )  
 On its own motion                    )  
               -vs-                        )  
 VILLAGE OF WOODLAND                 )  
   ) DOCKET NO.  
   ) 04-0084  
 Determination of liability under)  
 the Illinois Underground Utility)  
 Facilities Damage Prevention Act)  
 for failure to join the                )  
 statewide one-call notice system)  
 by January 1, 2003.                    )

Tuesday, April 6, 2004

Springfield, Illinois

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MR. LARRY JONES, Administrative Law Judge

APPEARANCES:

MS. JANIS VON QUALEN  
 527 E. Capitol Avenue  
 Springfield, Illinois 62701

(Appearing on behalf of staff of the  
 Illinois Commerce Commission.)

SULLIVAN REPORTING CO., by  
 Laurel A. Patkes, Reporter, CSR #084-001340

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## WITNESSES

## DIRECT

## CROSS

DAVID VAN WY

By Ms. Von Qualen

11

WILLIAM RILEY

By Ms. Von Qualen

15

## EXHIBITS

## IDENTIFIED

## ADMITTED

ICC Staff Exhibit 1.0

16

17

ICC Staff Exhibit 2.0

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14

1 PROCEEDINGS

2 JUDGE JONES: Good morning. I call for hearing  
3 Docket No. 04-0084, Illinois Commerce Commission on  
4 its own motion versus Village of Woodland,  
5 determination of liability under the Illinois  
6 Underground Utility Facilities Damage Prevention Act  
7 for failure to join the statewide one-call notice  
8 system by January 1, 2003.

9 At this time, may we have the appearances  
10 orally for the record, first on behalf of the  
11 Commission staff?

12 MS. VON QUALEN: Janis Von Qualen on behalf of  
13 the staff of the Illinois Commerce Commission, 527  
14 East Capitol Avenue, Springfield, Illinois 62701.

15 JUDGE JONES: Thank you.

16 Are there any other appearances? Let the  
17 record show there are not.

18 Is staff ready to proceed?

19 MS. VON QUALEN: Yes, Your Honor.

20 I will be calling David Van Wy and Bill  
21 Riley to put their testimony into evidence.

22 JUDGE JONES: All right. We'll go ahead and

1 swear you both in at the same time. Please raise  
2 your right hands to be sworn.

3 (Whereupon the witnesses were sworn  
4 by Judge Jones.)

5 JUDGE JONES: Okay. Thank you.

6 You are both under oath. Who would you  
7 like to call first?

8 MS. VON QUALEN: Mr. Van Wy.

9 JUDGE JONES: Can you hear us okay Mr. Van Wy?

10 MR. VAN WY: Yes, I can. Thank you.

11 JUDGE JONES: Good.

12 All right. Go ahead.

13 DAVID VAN WY

14 called as a witness herein, on behalf of staff of  
15 the Illinois Commerce Commission, having been first  
16 duly sworn on his oath, was examined and testified  
17 as follows:

18 DIRECT EXAMINATION

19 BY MS. VON QUALEN:

20 **Q.** Please state your full name for the record.

21 **A.** David Van Wy.

22 **Q.** Who is your employer and what is your business

1 address?

2 **A.** J.U.L.I.E., Inc., 3275 Executive Drive, Joliet,  
3 Illinois 60431.

4 **Q.** What is your position at J.U.L.I.E.?

5 **A.** I am the northern Illinois damage prevention  
6 manager.

7 **Q.** Mr. Van Wy, did you prepare written exhibits  
8 for submission by staff in this proceeding?

9 **A.** Yes, I did.

10 **Q.** Do you have before you a document which has  
11 been marked for identification as ICC Staff Exhibit  
12 2.0?

13 **A.** Yes, I do.

14 **Q.** And does that document consist of three  
15 typewritten pages and two exhibits?

16 **A.** Yes, it does.

17 **Q.** Did you prepare that document for presentation  
18 in this matter?

19 **A.** Yes, I did.

20 **Q.** Do you have any additions or corrections to  
21 make to ICC Staff Exhibit 2.0?

22 **A.** Not at this time.

1       **Q.**    Is the information contained in ICC Staff  
2       Exhibit 2.0 true and correct to the best of your  
3       knowledge?

4       **A.**    Yes, it is.

5       **Q.**    If I were to ask you the same questions today,  
6       would your answers be the same?

7       **A.**    Yes, they would.

8               MS. VON QUALEN:  Your Honor, at this time I  
9       move for admission into evidence ICC Staff Exhibit  
10      2.0.

11              JUDGE JONES:  And there are two attachments to  
12      that, is that correct?

13              MS. VON QUALEN:  That is correct.

14              JUDGE JONES:  You want those just treated as  
15      part of Exhibit 2.0?

16              MS. VON QUALEN:  Yes, I do.  They were all  
17      filed together as one document on e-docket on  
18      March 5th.

19              JUDGE JONES:  And so the preference is that  
20      they be admitted as a single exhibit 2.0?

21              MS. VON QUALEN:  Yes.

22              JUDGE JONES:  Okay.  Thank you.

1                   At this time, let the record show that ICC  
2                   Staff Exhibit 2.0 is hereby admitted into the  
3                   evidentiary record as filed electronically on  
4                   March 5, 2004, File No. 3.

5                   As previously noted, it consists of  
6                   Mr. Van Wy's testimony as well as two attachments to  
7                   that testimony, 2.1 and 2.2. Together they comprise  
8                   ICC Staff Exhibit 2.0 admitted.

9                                   (Whereupon ICC Staff Exhibit 2.0  
10                                  was admitted into evidence at this  
11                                  time.)

12                   MS. VON QUALEN: Thank you.

13                   JUDGE JONES: Thank you, Mr. Van Wy. There are  
14                   no questions for you. You're free to go if that's  
15                   okay with staff counsel.

16                   MS. VON QUALEN: That would be fine.

17                   JUDGE JONES: All right. So you're welcome to  
18                   sign off if you'd like or you can stay with us if  
19                   you'd like.

20                   MR. VAN WY: All right. Thank you.

21                   JUDGE JONES: Thank you.

22                                   (Witness excused)

1 MS. VON QUALEN: I now call William Riley.

2 JUDGE JONES: Mr. Riley has been sworn.

3 WILLIAM RILEY

4 called as a witness herein, on behalf of staff of  
5 the Illinois Commerce Commission, having been first  
6 duly sworn on his oath, was examined and testified  
7 as follows:

8 DIRECT EXAMINATION

9 BY MS. VON QUALEN:

10 Q. Please state your full name for the record.

11 A. William Riley.

12 Q. Who is your employer and what is your business  
13 address?

14 A. I'm employed by the Illinois Commerce  
15 Commission, 527 East Capitol of Avenue, Springfield,  
16 Illinois 62701.

17 Q. What is your position at the Commission?

18 A. I am manager of J.U.L.I.E. enforcement.

19 Q. Mr. Riley, did you prepare a written exhibit  
20 for submittal in this proceeding?

21 A. Yes, I did.

22 Q. Do you have before you a document which has



1       been marked for identification as ICC Staff Exhibit  
2       1.0?

3       **A.**     Yes, I do.

4       **Q.**     And does it consist of six typewritten pages  
5       and Exhibits 1.1 through 1.5?

6       **A.**     Yes, it does.

7       **Q.**     Do you have any additions or corrections to  
8       make to ICC Staff Exhibit 1.0?

9       **A.**     No, I do not.

10      **Q.**     Is the information contained in ICC Staff  
11      Exhibit 1.0 true and correct to the best of your  
12      knowledge?

13      **A.**     Yes, it is.

14      **Q.**     If I were to ask you the same questions today,  
15      would your answers be the same?

16      **A.**     Yes, they would.

17             MS. VON QUALEN:  At this time, Your Honor, I  
18      move for admission into evidence of ICC Staff  
19      Exhibit 1.0 with attached exhibits.

20             JUDGE JONES:  Thank you.

21                     Let the record show that ICC Staff Exhibit  
22      1.0 is admitted into the evidentiary record as filed

1 electronically on March 5, 2004. It appears it's  
2 File No. 2 in the e-docket system. It consists of  
3 Mr. Riley's direct testimony together with five  
4 attachments. They are marked as Exhibits 1.1  
5 through 1.5.

6 For purposes of admitting the exhibits in  
7 this hearing today, those five attachments are  
8 treated as part of ICC Staff Exhibit 1.0 which  
9 consists of the testimony together with those  
10 attachments.

11 (Whereupon ICC Staff Exhibit 1.0 was  
12 admitted into evidence at this  
13 time.)

14 JUDGE JONES: There are no questions for  
15 Mr. Riley. Thank you, sir.

16 (Witness excused)

17 JUDGE JONES: Does that conclude staff's  
18 presentation?

19 MS. VON QUALEN: Yes, it does.

20 JUDGE JONES: Off the record briefly regarding  
21 post hearing scheduling.  
22

1 (Whereupon an off-the-record  
2 discussion transpired at this  
3 time.)

4 JUDGE JONES: Let the record show there was an  
5 off-the-record discussion for the purposes  
6 indicated. Under discussion was a date for the  
7 filing of a draft order in this matter. That filing  
8 would be May 5th. It would be made by the  
9 Commission staff.

10 The Village of Woodland would be extended  
11 the same opportunity to file a draft order on that  
12 date if it elects do so.

13 There would be no response dates added to  
14 the schedule with respect to that filing on May 5th.

15 The rest of the schedule would be one that  
16 would require an issuance of a proposed order with  
17 exceptions and replies unless the village officially  
18 concurs in the staff proposal on this docket which  
19 has not happened to date and may not.

20 For scheduling purposes, it will be  
21 assumed that there will be no such agreement on the  
22 part of the Village of Woodland in which case there

1       would be a proposed order issued along with  
2       exceptions and replies.

3               Do the parties have anything else for the  
4       record?

5               MS. VON QUALEN:   No.

6               JUDGE JONES:   All right.   Let the record show  
7       that today's hearing is concluded subject to the  
8       post hearing scheduling which will involve the  
9       filing of the draft order on May 5th.

10              This matter is hereby marked heard and  
11       taken.

12                               HEARD AND TAKEN.

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